

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BONG HWA USA, INC.,

21 CV 3579 () ()

Plaintiff,

-against-

USF COLLECTIONS, INC., a/k/a

USF COLLECTIONS, INC.,

Defendant.

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**TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

Upon the Complaint filed herein, the Memorandum of Law in Support of Plaintiffs' Application for a Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction, the affidavit of Stephen Gallagher, sworn to April 19, 2021 and the exhibits annexed thereto, it is hereby:

ORDERED that Defendant show cause before the Honorable _____, located at United States Courthouse, 500 Pearl Street, in the City, County and State of New York, Courtroom _____, or virtually by remote hearing as the Court may direct, at ___ o'clock a.m./p.m., or as soon thereafter as counsel may be heard, why a preliminary injunction order should not be entered, *inter alia*, permanently enjoining and restraining Defendant USF COLLECTIONS, INC., a/k/a USF COLLECTIONS, INC., its officers, agents servants and employees and any persons in active concert or participation with them from:

(a) using, offering for sale or selling the Plaintiff's Switch™ Brand Marks and Products or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Switch Marks

and Products in connection with the distribution, advertising, offer for sale and/or sale of merchandise that are not the genuine products of Plaintiff; and

(b) passing off, inducing or enabling others to sell or pass off any defective or counterfeit goods as and for Plaintiff's Switch™ Brand Marks and Products; and

(c) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner any garments or other items falsely bearing Plaintiff's Switch Marks or Products, or any defective item, reproduction, counterfeit, copy or colorable imitation of same; and it is further

ORDERED, that, pending the hearing on Plaintiff's motion for a preliminary injunction, that Defendant, USF COLLECTIONS, INC., a/k/a USF COLLECTIONS, INC., its agents, servants, employees, attorneys and any person(s) acting in concert or participation with Defendant with actual notice of this Order by personal service or otherwise, be and hereby are restrained and enjoined from using the Switch™ Brand Marks, Products and trade dress depicted in Exhibits B and C of the Affidavit of Stephen Gallagher submitted in support of Plaintiff's motion or any substantially similar trade dress or labels (the "Infringing Materials") on or in connection with the sale, distribution, offering for sale, advertisement, exhibition, and/or promotion of any products; (b) importing, exporting, advertising, distributing, selling and/or offering for sale any products bearing the Infringing Materials; (c) engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead or deceive purchasers, Defendant's customers and/or members of the public to believe that, the actions of Defendant, the products sold by Defendant, or Defendant themselves are connected with Plaintiff, are sponsored, approved or licensed by Plaintiff, or are in some way affiliated with Plaintiff; (d) affixing, applying, annexing or using in connection with the importation, exportation, manufacture, distribution, advertising, sale and/or offer for sale or other

use of any goods or services, a false description or representation, including words or other symbols, tending to falsely describe or represent such goods as being those of Plaintiff; and it is further

ORDERED, Plaintiff will be entitled to serve discovery demands immediately upon Defendant – i.e., before the parties have conferred pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16.1 or made their initial disclosures pursuant to Rule 26(e) – including but not limited to discovery by way of depositions, interrogatories, requests for production, requests for admissions, and third-party discovery; and it further

ORDERED, that Plaintiff shall post a corporate surety bond, cash or a certified or attorney's check in the amount of _____ (\$_____) as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a restraint hereunder; and it is further

ORDERED, that Plaintiff may complete service of this Order to Show Cause for a Preliminary Injunction Order, and supporting papers, on Defendant by personal service no later than ____ business days from the date granted; and it is further

ORDERED, that Defendant' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiff by delivering copies thereof to the offices of Woods Lonergan PLLC on or before _____.

UNITED STATES DISTRICT JUDGE